

116TH CONGRESS
1ST SESSION

H. R. 440

To amend the Immigration and Nationality Act, to clarify the authority of the Secretary of Homeland Security to take property using eminent domain, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2019

Mr. AMASH introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Immigration and Nationality Act, to clarify the authority of the Secretary of Homeland Security to take property using eminent domain, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Eminent Domain Just
5 Compensation Act”.

1 **SEC. 2. LIMITATION ON AUTHORITY OF THE SECRETARY OF**
2 **HOMELAND SECURITY TO TAKE PROPERTY**
3 **USING EMINENT DOMAIN.**

4 Section 103(b) of the Immigration and Nationality
5 Act (8 U.S.C. 1103(b)) is amended—

6 (1) by striking “Attorney General” each place
7 it appears and inserting “Secretary of Homeland Se-
8 curity”; and

9 (2) in paragraph (3), by striking “the Act of
10 August 1, 1888 (Chapter 728; 25 Stat. 357).” and
11 inserting the following: “section 3113 of title 40,
12 United States Code, except that notwithstanding
13 section 3114 of title 40, United States Code, the
14 Government may not take any land prior to the
15 issuance of a final judgment pursuant to the pro-
16 ceedings under section 3113 of such title.”.

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